

EXHIBIT H

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DR. SARI EDELMAN,

Plaintiff,

-v-

NYU LANGONE HEALTH SYSTEM, NYU
LANGONE HOSPITALS, NYU LANGONE
MEDICAL CENTER, NYU LANGONE NASSAU
RHEUMATOLOGY, NYU SCHOOL OF
MEDICINE, NYU GROSSMAN SCHOOL OF
MEDICINE, NYU HOSPITALS CENTER,
ANDREW T. RUBIN, DAVID KAPLAN, JOSEPH
ANTONIK, and JOSHUA SWIRNOW,

Defendants.

21-cv-502 (LJL)

VERDICT FORM

**PLEASE FOLLOW ALL INSTRUCTIONS, CHECK (✓) YOUR ANSWERS, AND
FILL IN THE BLANKS**

All Answers Must Be Unanimous

I. Federal Equal Pay Act Claim

- Has Dr. Edelman proved by a preponderance of the evidence that NYU employed her and the following individuals in a job requiring substantially equal skill, effort, and responsibility?

Dr. Goldberg: YES: _____ NO:
Dr. Porges: YES: _____ NO:
Dr. Modi: YES: _____ NO:

- Has Dr. Edelman proved by a preponderance of the evidence that her job and that of the following individuals were performed under similar working conditions?

Dr. Goldberg: YES: NO: _____
Dr. Porges: YES: NO: _____
Dr. Modi: YES: NO: _____

3. Has Dr. Edelman proved by a preponderance of the evidence that she was paid lower compensation than the following individuals for doing substantially equal work?

Dr. Goldberg:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>
Dr. Porges:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>
Dr. Modi:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>

4. Have Defendants proved by a preponderance of the evidence that the differences in pay between Dr. Edelman and the following individuals were based on factors other than sex?

Dr. Goldberg:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Dr. Porges:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Dr. Modi:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>

5. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants violated the federal Equal Pay Act?

[Answer only if you have answered YES to Questions 1 through 3 for a comparator and also answered NO for that same comparator in Question 4.]

NYU Langone Health System:	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Hospitals	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Medical Center	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Nassau Rheumatology	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU School of Medicine	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU Grossman School of Medicine	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
NYU Hospitals Center	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
Rubin:	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>
Swirnow:	YES: <input type="checkbox"/>	NO: <input type="checkbox"/>

II. New York Labor Law Section 194

6. Have Defendants proved by a preponderance of the evidence that the differences in pay between Dr. Edelman and the following individuals were based on factors other than sex?

Dr. Goldberg:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Dr. Porges:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Dr. Modi:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>

7. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants violated New York Labor Law Section 194?

[Answer only if you have answered YES to Questions 1 through 3 for a comparator and also answered NO for that same comparator in Question 6.]

NYU Langone Health System:	YES: _____	NO: _____
NYU Langone Hospitals	YES: _____	NO: _____
NYU Langone Medical Center	YES: _____	NO: _____
NYU Langone Nassau Rheumatology	YES: _____	NO: _____
NYU School of Medicine	YES: _____	NO: _____
NYU Grossman School of Medicine	YES: _____	NO: _____
NYU Hospitals Center	YES: _____	NO: _____
Rubin:	YES: _____	NO: _____
Swirnow:	YES: _____	NO: _____

III. Title VII Retaliation Claim Against NYU Defendants

8. Has Dr. Edelman proved by a preponderance of the evidence that she engaged in protected activity under Title VII?

YES: NO: _____

9. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants committed an adverse act against her because of her protected conduct under Title VII?

NYU Langone Health System:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Hospitals:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Medical Center:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Nassau Rheumatology:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Grossman School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Hospitals Center:	YES: <input checked="" type="checkbox"/>	NO: _____

IV. New York State Human Rights Law Retaliation Claim Against All Defendants

10. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants committed an adverse act against her because of her protected conduct under New York State Human Rights Law?

NYU Langone Health System:

YES: NO: _____

NYU Langone Hospitals:

YES: NO: _____

NYU Langone Medical Center:

YES: NO: _____

NYU Langone Nassau Rheumatology:

YES: NO: _____

NYU School of Medicine:

YES: NO: _____

NYU Grossman School of Medicine:

YES: NO: _____

NYU Hospitals Center:

YES: NO: _____

11. Has Dr. Edelman proved by a preponderance of the evidence that any of the Individual Defendants aided or abetted an adverse act against her because of her protected conduct under New York State Human Rights Law?

[You may only answer YES for any of the following Defendants if you answer YES to one of the Defendants in the previous question.]

Rubin:

YES: _____ NO:

Antonik:

YES: NO: _____

Swirnow:

YES: _____ NO:

V. New York City Human Rights Law Retaliation Claim Against All Defendants

12. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants' conduct was motivated, at least in part, by Plaintiff's protected activity?

NYU Langone Health System:

YES: NO: _____

NYU Langone Hospitals:

YES: NO: _____

NYU Langone Medical Center:

YES: NO: _____

NYU Langone Nassau Rheumatology:

YES: NO: _____

NYU School of Medicine:

YES: NO: _____

NYU Grossman School of Medicine:

YES: NO: _____

NYU Hospitals Center:

YES: NO: _____

Rubin:

YES: _____ NO:

Antonik:

YES: NO: _____

Swirnow:

YES: _____ NO:

13. Has Dr. Edelman proved by a preponderance of the evidence that any of the Defendants engaged in conduct reasonably likely to deter a person from engaging in the alleged protected activity?

NYU Langone Health System:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Hospitals:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Medical Center:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Langone Nassau Rheumatology:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Grossman School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: _____
NYU Hospitals Center:	YES: <input checked="" type="checkbox"/>	NO: _____
Rubin:	YES: _____	NO: <input checked="" type="checkbox"/>
Antonik:	YES: <input checked="" type="checkbox"/>	NO: _____
Swirnow:	YES: _____	NO: <input checked="" type="checkbox"/>

14. Has Dr. Edelman proved by a preponderance of the evidence that any of the Individual Defendants aided or abetted conduct that was reasonably likely to deter a person from engaging in the alleged protected activity?

[You may only answer YES for any of the following Defendants if you answered YES to the same Defendant in Question 12 and answered YES to at least one other Defendant in Question 13.]

Rubin:	YES: _____	NO: <input checked="" type="checkbox"/>
Antonik:	YES: <input checked="" type="checkbox"/>	NO: _____
Swirnow:	YES: _____	NO: <input checked="" type="checkbox"/>

VI. New York City Human Rights Law Discrimination Claim Against All Defendants

15. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants intentionally discriminated against her because of her gender by making sexist remarks?

NYU Langone Health System:	YES: _____ NO: <input checked="" type="checkbox"/>
NYU Langone Hospitals:	YES: _____ NO: <input checked="" type="checkbox"/>
NYU Langone Medical Center	YES: _____ NO: <input checked="" type="checkbox"/>
NYU Langone Nassau Rheumatology:	YES: _____ NO: <input checked="" type="checkbox"/>
NYU School of Medicine:	YES: _____ NO: <input checked="" type="checkbox"/>
NYU Grossman School of Medicine:	YES: _____ NO: <input checked="" type="checkbox"/>
NYU Hospitals Center:	YES: _____ NO: <input checked="" type="checkbox"/>
Antonik:	YES: _____ NO: <input checked="" type="checkbox"/>

VII. Damages

A. Unequal Pay under the Equal Pay Act and New York Labor Law Section 194

16. If your answers to Questions 1 through 3 were all YES for any of the following proposed comparators, and also NO for Question 4 or Question 6, then how much less was Dr. Edelman paid for the relevant time period?

Dr. Goldberg:	\$ _____
Dr. Porges:	\$ _____
Dr. Modi:	\$ _____

B. Retaliation Claims under Title VII, New York State Human Rights Law (“NYSHRL”), and New York City Human Rights Law (“NYCHRL”)

If you found that any Defendant committed retaliation under Title VII, the New York State Human Rights Law, or the New York City Human Rights Law, continue to Question 17. If you did not find retaliation under any statute, continue to Question 20.

17. Has Dr. Edelman proved by a preponderance of the evidence that she suffered monetary damages because of retaliation for complaining to Human Resources about alleged discrimination?

Title VII:	YES: <input checked="" type="checkbox"/> NO: _____
NYSHRL:	YES: <input checked="" type="checkbox"/> NO: _____
NYCHRL:	YES: <input checked="" type="checkbox"/> NO: _____

18. If your answer to the preceding question is YES to either NYSHRL or NYCHRL, then what amount of damages for front-pay should Dr. Edelman be awarded?

Front-pay: \$ 100,000

19. If you answered YES to any of the statutes in Question 17, then what amount of compensatory damages should Dr. Edelman be awarded?

Compensatory Damages: \$ 0

C. Gender Discrimination under New York City Human Rights Law

20. Has Dr. Edelman proved by a preponderance of the evidence that she suffered monetary damages because allegedly sexist remarks were made to her?

YES: _____

NO: ✓

21. If the preceding question is answered YES, then what amount of compensatory damages should Dr. Edelman be awarded?

\$ _____

After completing the form, each juror who agrees with this verdict must sign below:

Jan W
Foreperson

Ty C

Don Dee

M. Irini

Danny Pimentel

Beth

Juli A

Dated: 7-19-23